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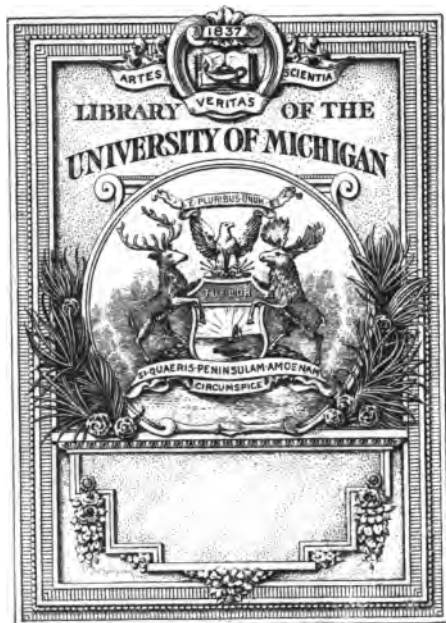
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PRESIDENT QUINCY'S

ADDRESS

AT THE

DEDICATION OF DANE LAW COLLEGE,

OCTOBER 23, 1832.

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ADDRESS:

DELIVERED

AT THE DEDICATION

OF

DANE LAW COLLEGE

IN

HARVARD UNIVERSITY,

OCTOBER 23, 1832.

BY JOSIAH QUINCY, LL. D.,

PRESIDENT OF THE UNIVERSITY.

CAMBRIDGE:

E. W. METCALF AND COMPANY,

PRINTERS TO THE UNIVERSITY.

1832.

Dane Law College, Oct. 23, 1832.

SIR,

WE are instructed by the Gentlemen, members of Dane Law College, to return you their thanks for the very eloquent and appropriate Address which you have this day delivered on an occasion, to which they had looked forward with a gratifying interest, and to which they now look back with pride and pleasure.

They are, moreover, instructed to ask of you the privilege of publishing an Address which will reflect honor on the particular department of the University which formed its subject.

Very respectfully,

Your obedient Servants,

J. SEAWELL JONES,
BENJAMIN F. THOMAS, } *Committee.*
WENDELL PHILLIPS.

TO THE PRESIDENT OF THE UNIVERSITY.

Harvard University, Nov. 5, 1832.

GENTLEMEN,

I transmit for publication the Address you were pleased to request in behalf of the Gentlemen, members of Dane Law College, availing myself of this opportunity to express to them, and also to the Corporation of the University for a similar request, my sense of the honor thus conferred upon me, and my reciprocation of all the kind feelings their communications respectively indicate.

Very respectfully,

I am, Gentlemen, your humble Servant,

JOSIAH QUINCY.

Messrs. JOSEPH S. JONES,
BENJAMIN F. THOMAS, } *Committee of the*
WENDELL PHILLIPS, } *Members of*
 } *Dane Law College.*

ADDRESS.

WE assemble on an occasion of no common interest to our University and to our country. One of the great branches of public education is expanding, in this seminary, under happy auspices. An unexampled impulse has been given to the study of the law, by the recent foundation of a well-endowed Professorship. The success of the institution created wants, which its founder has supplied in a spirit of generosity, second only to that which characterized its origin.

For an appropriate building, including sufficient accommodations for a library, offices for the Professors and Librarian, and halls for lectures and courts, we are chiefly indebted to his bounty.

On taking possession of it, for the first time, it has been thought proper and useful to express the feelings and thoughts which are natural to the occasion. This task, assigned to me as an official duty, from many considerations I would willingly have avoided, but regarding my relation to this University, I have not deemed myself authorized to decline.

The mind first turns, instinctively, to the individual, whose name and virtues are inseparably connected

with this institution. But our benefactor lives. How shall the due tribute of gratitude be paid? To the general ear the voice of panegyric is ever harsh, until it be returned by the echoes of the tomb. Long,—long may it be, ere the note of our benefactor's praise be thus softened!

When, however, the relations of a founder to his institution are the subjects of discourse, it is an indispensable duty to bring, at least, into brief notice, those circumstances which reflect honor on the one, and are auspicious to the destinies of the other.

Such, in relation to our founder, is the fact, that the purpose of his thought was completed in his life-time. He left nothing to contingency. He chose, in this respect, to be the executor of his own will, the overseer of his own endowment. We this day experience the benefits of this wise forecast. An institution, which would have lingered, and might comparatively have failed, if it had been left to posthumous chances, has been enlarged, and endued with a new vitality, by its yet living author.

In this aspect, it cannot be improper also to remark, that the bounty, which has thus enriched us, proceeded from no overflowing excess in the fountain. If the possessions of our benefactor ever deserved the name of "wealth," it was with reference, not to their absolute greatness, but to their relative proportions to simple habits and chastened wants. They were the gradual and silent accumulation of a long life, devoted to professional labor, to an honorable prudence, to a wise frugality, and a just economy;—"seeking not proud riches, but such as it might get justly, use so-

berly, distribute cheerfully, and leave contentedly." Now wealth, acquired by such means, is ever the last to be expected to burst forth suddenly, in great streams, for enriching the community. Those, who thus accumulate, necessarily realize, more strongly than others, the cost of acquisition. Toil, and pain, and difficulty are associated, in their minds, with every portion of the accumulated mass ; to which such men consequently attach themselves, for the most part, with a proverbial tenacity.

To have escaped these natural influences is honorable to our benefactor. It also reflects an appropriate honor on the profession to which his life has been devoted, and by which his wealth has been acquired.

It is of the nature of the profession of the law, when pursued by congenial minds and in accordance with its inherent spirit, to elevate and liberalize the social principle. Those, who attain eminence in that profession, necessarily take deep and wide views of the principles of human conduct, and are introduced to an intimate acquaintance with the greater, as well as the lesser relations and interests of individuals and societies ; and this not through cloistered contemplation, but by living, practical observation of the motives of men, of the objects they pursue, and of the uses of those objects. Hence result, naturally, a juster estimate of the real value of those things, which men most ardently seek and most highly appreciate, and more elevated apprehensions concerning the proportions of their worth. Hence, also, it is, that the men of that profession are ever found in the front rank of those who devote themselves to the interests of the age and

of society ; evidenced, not indeed often by great pecuniary benefactions (the mere labors of that profession seldom raising any one above a mediocrity of fortune), but by noble exertions and personal sacrifices, in support of the great principles on which human liberty and the rights of property depend. The history of the times antecedent to the American revolution, of those during which that struggle was pending, of those during the forming of the federal constitution, and of those occupied subsequently in defence of it, down to the present day, constitutes one line of successive monuments of the labors, the sacrifices, and self-devotion of the men of that profession to the best interests of their country.

Another fact, naturally of great interest, among the circumstances of this foundation, is, that the wealth, by which it has been laid, was solely the product of professional talent and labor. It now does, and in all time to come will, present to the mind a great lawyer, nobly paying out of the fruits of his profession that debt, which every great lawyer feels that he owes to it ; and will for ever stand an enduring monument of professional merit and success.

It was not necessary, in order to preserve the name of Nathan Dane, and transmit it with honor to posterity, that it should be associated with this great design and useful endowment. An undeviating course of faithful and strenuous labors, during a long life, had secured to him a reputation for skill, fidelity, and wisdom, in all the various social relations, private and public, which few had equalled, and still fewer excelled. His name was already associated intimately with the

learning, talent, and virtue of the period in which he has been called to act. Independent of this foundation, the fabric of his character had been long raised, and, by enduring materials, cemented with the history and prosperity of his country.

Nor is it among the least of the honors and fortunate circumstances of this institution, that its founder was himself thus among the high examples of the moral and intellectual elevation of that profession, of which he has now constituted himself the patron. Does any ingenuous youth glow with the desire to be useful and distinguished in the great field upon which he has cast the lot of his life? Is he willing to devote himself to its cultivation with an ardor, which no labor can daunt, and a zeal, which no slowness of incoming rewards can quench? Does he give his nights to study, and his days to professional pursuits and exercises? And does he wish to learn what are the honors and rewards, which are consequent on a life faithful to the duties of the profession on which he has entered? Let him learn the history, let him inform himself concerning the present enviable intellectual state of the founder of this institution. He will find, that respect, happiness, and success have been the continual companions of his path. He will see him, now in his eightieth year, when the labors of the court have necessarily ceased, still intensely occupied with those of the study. The attractions of the public assembly, or of the bar, indeed, no longer influence him, but the ardor of intellectual exercise, the love of employment, the intense search after truth still cheer and gladden his day; and continue to render useful and brilliant the last rays of his glory, as they descend towards the horizon.

The occasion naturally invites us to speak of the law as a science ; of its utility as a study ; of its dignity as a profession ; and of the particular nature and objects of the several Professorships established for that study in this seminary. All these topics, however, were laboriously analyzed and eloquently urged, by the present head of the Law School, in his Inaugural Discourse, with a power of talent and a weight of professional character, which have left nothing in those fields to be gleaned or desired.

It cannot, however, but be appropriate, at this time, to speak of the science of the law, in respect of its connexion with this University ; to reflect on the proportion, which the present foundations in this branch bear to the importance of the objects embraced by that science ; and on the dependence of our civil rights and immunities upon it, for their support and preservation.

The law, considered as a science, has so intimate a connexion with the sciences in general, that, at first view, we are ready to wonder, why it was not made earlier a branch of education in Universities ; or how it should have ever been deemed practicable to prosecute the study of it, successfully, elsewhere. The causes of this delay to place the study of the law under the auspices of general science, will be sufficiently indicated by a brief outline of very familiar history.

“Laws,” says Montesquieu, “are the necessary relations resulting from the nature of things.” Now the relations of things in Great Britain, from which country our laws are chiefly derived, were, during the early

periods of its historic existence, antecedent to the Norman conquest, those which naturally exist among a rude, uncultivated people, ignorant of letters.* During that whole time, a knowledge of the laws was necessarily sought among its rough professors, habituated practically to pursue its loose, evanescent principles, as they were continually modified by faction, insurrection, civil wars, invasion, and conquest. Strictly speaking, there were no sciences known in the nation, with which the law could be connected as an associate of the band.

Nor was the state of things greatly different after the era of the Norman conquest, and even down to the beginning of the last century. In the successive contests which, in the course of that long period, arose between the crown and the nobility, the people and the crown, the hierarchy and the reformers, the principles of the law followed the fates of the court, the camp, or the church. They were instruments, of which each party, in its power, availed itself to strengthen its own cause, or to depress that of its adversary, and they were shaped, or changed, according to the perpetually shifting influences of the times. "Antecedent to the revolution of 1688, the oracles of the law were dependent upon the caprice of the crown; men of pliant dispositions were raised to the bench; justice gave way to policy, and was converted into means of revenge."† During far the greater part of that period, as a great system of universal reason, deduced from the nature of things, and adapted to fix society on the

* Hume's History of England. Appendix I.

† Runnington's Life of Sir Matthew Hale.

immutable foundations of truth and justice, the English law was hardly considered by any, except perhaps by some of its most eminent professors. Strange fictions, customs of unknown origin, precedents whose reasons were hidden in an unexplored antiquity, interminable forms, mystifying verbiage, and repulsive technicalities, deprived it of all claim, in the eyes of the philosopher, as well as in those of the multitude, to the rank of a branch of knowledge resting on fixed principles. Its language was trilingual ; a composite of indifferent English, bad Latin, and worse French. Its shape, "if shape it might be called, which shape had none," was "stained with the variation of each soil betwixt " the Euxine and the Baltic ; Grecian, Roman, German, Saxon, Danish, Norman. In the arrangement of these contending elements, to the uninitiated eye, "Chaos seemed to sit umpire," and "high arbiter Chance to govern all." To manage these elements was an art to be learned ; an affair altogether of practical skill, which the young lawyer was sent to the Inns of Court to acquire, precisely, and for the same reason, as the young soldier was sent to the camp to acquire the military art ; to the end that, amid scenes of actual contest, each might learn the nature of the materials, and gain a facility in the use of the weapons for attack and defence, of their respective arts ; in both of which victory was the sole object, and the means of success, equally, the subject of no scruple.

This state of things continued until after the commencement of the last century. Antecedent to that period, Sir Matthew Hale had indeed composed an "Analysis of the Law," for the purpose, as he avowed,

of showing that "it was not altogether impossible, by much attention and labor, to reduce the laws of England, at least into a tolerable method." This analysis was nothing more than an incomplete outline, of use, comparatively, to none except professors of the law, or professional students. So little progress had been made, either by Sir Matthew Hale or by any other jurist, in the work of reducing the laws of England into an orderly method, that Thomas Wood, who, in 1722, engaged in the same design, represents it as thought to be wholly "impracticable," and states that the prejudice, even among men of parts and learning prevailed, that a knowledge of the English laws was only to be obtained by "the greatest application and a long attendance on the highest courts of justice, *and by a tedious wandering about.*" He refers to the law, as "an art which one is to teach," and so far from speaking of it as a science, to be sought in its great and general principles, he calls it "*a heap of good learning, which he hoped it would not be impossible to sort and put into some order.*" He laments the arts of "pettyfogging, sophistry, and cavil," as too prevalent. He represents the ways of the law to be "dark and rugged, and full of turnings and windings." These he declares it to be his intent to endeavour to "smooth and shorten," and thus enable the student "to travel in a straight line."

For more than fifty years this work of Thomas Wood was the cynosure of the law-student in this country; to which he was taught first to direct his eye, and by which to guide his steps. Yet how dull, how repulsive does this work appear to the law-student of the present day! How would he reluct at

entering upon the study of the law, and deem himself cast into a wilderness, without map or compass, if this were the only great light by which he was first to direct his course!

Now it is a curious fact, and illustrative of the topic of this address, that the first successful attempt to reduce the English law into an orderly system, and to give it effectively the character of a science, was made under the auspices of a university. To the establishment of the Vinerian Professorship, at Oxford, the English law was indebted for the Commentaries of Sir William Blackstone, pronounced by Sir William Jones* to be "an incomparable work; and the most correct and beautiful outline that was ever exhibited of any human science."

The publication of that work formed a new era in the study of the law, both in this country and in Great Britain. From that time the law assumed the aspect of a well-defined science, which had its limits, its proportions, its divisions, its principles, its objects, all arranged in an orderly method, facilitating research, aiding the memory, and making every step of the student's progress light and satisfactory.

How different is the lot of the student at this day, from that of him, who entered upon the pursuit of the law before the appearance of that work. By way of illustration, hear a very condensed abstract of Lord Chief Justice Reeve's directions for the first stage in the study of the law:

—Read Wood's Institutes cursorily, and for explanation of the same, Jacob's Dictionary. Next strike

* Essay on the Law of Bailments.

out what lights you can from Bohun's *Institutio Legalis*, and Jacob's Practising Attorney's Companion, and the like ; helping yourself by Indexes. Then read and consider Littleton's Tenures, without notes, and abridge it. Then venture on Coke's Commentaries. After reading it once, read it again ; for it will require many readings. Abridge it. Common-place it. Make it your own ; applying to it all the faculties of your mind. Then read Serjeant Hawkins to throw light on Lord Coke. Then read Wood again to throw light on Serjeant Hawkins. And then read the statutes at large to throw light on Mr. Wood.* —

It will not be necessary to adduce farther evidence upon this point. Enough has been said to place in a strong light the advantages derived by the student of law from the great work of Sir William Blackstone. For the purpose of the present argument, let it be borne in mind, that this work was the first fruits of the connexion between the English law and the English Universities.

Now when we recollect that it is an admitted fact, that a great proportion of the boasted wisdom of the English common law, was acquired by a silent transfer into it of the wisdom of the Roman law, through the medium of the courts of justice, and that thereby the English law was "raised from its original state of rudeness and imperfection ;"† and when we also recollect, that a knowledge of the Roman law itself was first introduced into England, early in the twelfth century by the means of Professorships, established by the monks

* See Collectanea Juridica, Vol. I. p. 79.

† Hume's History of England, Chapter xxiii.

and clergy at Oxford, and through the influence of public lectures delivered by their Professors; and when to these facts is added the undeniable and unparalleled benefit conferred upon the study of the English law, by this work of Blackstone, itself the fruit of the connexion of the study of the science of the law with that of the other sciences in the University of Oxford, is it not indeed wonderful, that doubts concerning the utility of such Professorships should be entertained, even at this day, in England, and by men, also, who are eminent for their legal rank and attainments? That such is the fact, we learn from the "Introductory Lecture delivered at King's College, London," in November, 1831, by Mr. Park, "Professor of English Law and Jurisprudence to the College."

Nor can it be concealed, that similar doubts are sometimes expressed, even in this country; though, from the habits of the community being less fixed, and the spirit of innovation more congenial to its constitution than is the case in Great Britain, probably with less universality as it respects numbers, and less eminence as it respects talents; it being generally understood, that by far the greater number of those, who are distinguished lights of the law, in this country, hail the establishment of such Professorships, as constituting a union highly propitious to the improvement of the law, and to the elevation of the character of the profession.

It will not, however, be amiss to give to this topic a more detailed examination, to the end that the community may be made to understand the real advantages to be anticipated from this engrafting of the study of the law upon seminaries destined for public

education ; and that lawyers themselves may be made more truly to appreciate the privileges they and their profession must derive from this association.

Lord Bacon, a great master-mind of our race, has stated, in his conclusive way, the general doctrine, and given the sound reason for it. "To disincorporate," says he, "any particular science from general knowledge, is one great impediment to its advancement. For there is a supply of light and information, which the particulars and instances of one science do yield and present for the framing and correcting the axioms of another science, in their very truth and notion. For each particular science has a dependence upon universal knowledge, to be augmented and rectified by the superior light thereof." *

In no way, perhaps, can the truth of this doctrine be better illustrated, than by the history of the progress of the English law, from its ancient, barbarous, and perplexed, to its present cultivated and lucid state. So long as it was "disincorporated from general knowledge," and pursued exclusively under the guidance of professional men, in the Inns of Courts, or in offices of practitioners, its outline was obscure, its aspect forbidding and mysterious ; none dared to pretend to master it, except the regularly initiated ; and to some of these, its reason was a closed book, which they had not the strength or patience to open. No sooner, however, was the Common Law introduced among the branches of University education, than it became liberalized and refined. Its particular light was "augmented and rectified by the superior light of universal

* Interpretation of Nature, Chapter viii.

knowledge." Its foreign jargon was abandoned. Its technicalities were diminished. If we were to say that all the improvements, which have been introduced into the study and science of the law since the middle of the last century, were the consequence of the publication of the single work of Blackstone, we should assert, perhaps, more than we could prove, though possibly not more than is true. That work introduced the science of the English law to the acquaintance of men of general science. It was no longer a study from which such men were repelled, by the wildness of its aspect and the impervious barbarousness of its terms. By the labors of Blackstone the rough scene was changed. After the publication of his work, men of general science began to think and to speak of the English law, as of a subject which could be understood without the exclusive devotion of a whole life to it. Professional men also, their progress being thus facilitated, found more leisure themselves to pursue general science. Thus, by the reciprocal action of influences without and within the profession, its nature has been ameliorated, and its general character elevated. It is of no importance, as to our present purpose, to say, that these improvements were the consequence of the general advance of the age, and not of the connexion of the study of the law with the Universities. This connexion was either an instrument or a cause. And whether the connexion of the science of the law with the Universities be considered as an instrument, to which, in its advancing progress, the age resorted for the improvement of that science, or whether it was itself the cause of the advance of the age in the direc-

tion which led to those improvements,—on either hypothesis, the object of the present argument is attained ; either as a cause, or as a selected instrument, the connexion of the study of the law with the Universities has had an efficient agency in those great improvements in the science, which have been introduced in our day. From the hour when the great magician, Blackstone, standing in the halls of Oxford, stretched his scientific wand over the “illimitable ocean, without bound,” where, to the uninstructed eye, “cold, hot, moist, and dry, in their pregnant causes mixed, seemed to strive for the mastery,” confusion disappeared. In its stead was seen a well-proportioned, well-cemented fabric, pleasing to the sight, satisfactory to the taste, approved by the judgment, its architectural principles just, its parts orderly and harmonious, in which justice was found consorting with reason, and controversy guided by the spirit of truth, and not by the spirit of victory.

Such being the advantages already consequent upon the establishment of Professorships of law in connexion with seminaries of learning, the question arises, whether farther advantages are to be anticipated from their continuance and increase. This leads necessarily to an inquiry into the actual state of education in the science of the law, at the present day. What it is in Great Britain, Professor Park, in his “Introductory Lecture” before referred to, indicates very strongly.

“Few things,” he says, “will less bear looking into (with other eyes than those of habit) than the system of legal education hitherto prevailing in this country [Great Britain]; and if the public at large could see

it in its real nakedness, common sense and safety would alike dictate that such culpable neglect should no longer be permitted to insult society, and set at nought the deep interests that are at stake, in the proficiency of those who offer themselves to the public as legal practitioners." He avers, "that a great number of young men are annually let loose upon the public, calling themselves solicitors, and barristers, and conveyancers, and having perhaps personal claims upon many to be entrusted with their business, who have given no other security to the public for their having qualified themselves for a most important and arduous profession, than that of having paid a certain sum of money for articles of clerkship, or having purchased the name of pupil in the chambers of some practitioner." "I have myself," he adds, "had pupils, whom no expostulations or exhortings of mine could induce to attend an average of two hours a day, or to take any pains when they did attend. I have known others, who have not come to chambers once in a week. I have known still more, who would do nothing but talk and banter when they were there." "Upon the present system," he adds, "scarcely one in every five has a single chance of attaining that proficiency, which would enable him to keep practice, even should he be so fortunate as to obtain it." *

What resemblance this state of legal education in Great Britain, bears to that in the offices of practitioners of the law in this country, at the present day, it is not for me to assert. Of the state of things, in this

* Park's Introductory Lecture, pp. 16-21.

respect, nearly half a century ago, some experience and observation enable me to speak with sufficient accuracy.

Books were recommended as they were asked for, without any inquiry concerning the knowledge attained from the books previously recommended and read. Regular instruction there was none; examination as to progress in acquaintance with the law, — none; occasional lectures, — none; oversight as to general attention and conduct, — none. The student was left to find his way by the light of his own mind, and obliged to take possession of the wilderness upon which he had entered, as one of our backwoodsmen takes possession of an American forest; — of just as much as he could clear and cultivate by the prowess of his single arm, in hopeless ignorance of all he did not thus personally vanquish.

Was it the student's fortune to be placed in an office where there was little business, and of course the spirit of study little vexed with official manipulations? In such case, his reading might be more, but his chances for external aid were not therefore with certainty increased. His instructor could not inspire a love for the profession, which perhaps he did not feel. Very likely, by his complaints of its labors or of its profitlessness, juvenile ardor was cooled, if not quenched. Possibly the student was taught by example, or even by precept, to seek wealth in the rise of lands or of stocks; or was led to mistake the way of party strife for the path of true glory.

Was it the student's lot to be placed in the office of one of the greater lights of the bar; — "Hic labor

ille domûs, et inextricabilis error." What copying of contracts! What filling of writs! What preparing of pleas! How could the mind concentrate itself on principles amid the perpetual rotation of this machinery; while at the same time it was distracted by the sorrows of clients and the prosing of witnesses!

All this indeed gave knowledge of business, and skill in the handicraft labor of the profession;—in the later stages of study useful, indeed necessary; but in the earlier, positively injurious; since the eye of the student was thus first directed to the mechanism of the art, and not to the principles of the science. He was taught, not to seek first the divinity of the temple, and to raise his thoughts to the glorious attributes and noble powers which its true worship requires, but, on the contrary, he was made to meet at the very threshold whatever in it was low, selfish, and repulsive, and condemned first to drudge at the menial services of the altar, to live amid the offal of the sacrifice, and to look with a single eye to that which brought profit to the shrine. How could the great principles of the law, except in very propitious natures, be made to take an early root; how could deep foundations for future greatness in it be laid, by reading necessarily desultory,—attendance upon courts unavoidably casual,—and mental exercises, which could not be otherwise than occasional and listless, when conducted, without excitement and without encouragement, with just so much vagrant attention as a young man could persuade himself to give, in the midst of all the temptations which youth, society, and a sense of complete irresponsibility as to conduct, continually placed in his way?

As it respects the education for the law in private offices, at the present day, compared with that in a former period, it is said that improvements have been made ; — that a more systematic intercourse between instructors and students is growing into use ; — that in some places moot courts are held, at which eminent professional men preside by turns over these exercises of their students. It is even said, that, in some offices, lectures have been read. All this is well, and highly laudable. It is, however, proper on this occasion to state, that, on inquiry, it will be found that all these improvements have kept pace with the establishment of law-schools in the vicinity where they have occurred, and have been the direct consequence of the example those schools have set, or of the spirit they have diffused.

How inferior, after all, are these advantages, to those which may be attained in a law-school, connected with this University, or with any similarly endowed seminary.

First, a great body of intelligent young men are here brought together, of about the same age and general range of attainments ; all of them inspired with a love of study, and ambitious of professional eminence. At least such is the fair conclusion from the fact, that they have voluntarily exchanged the absolute independence and irresponsibility of the private office, for the examination, the instruction, and responsibility established in this institution. From such minds, thus brought into contact, result honorable collision, concurrent inquiries, public discussions, comparison of themselves with each other ; — all powerful stimulants of intellectual progress.

Next, a systematic course of prescribed study, selected with great deliberation by men of the highest rank in the profession ; rising in just gradation from the simple to the complex, from the familiar to the abstruse ; leading the young mind, by orderly induction, and by a progress secured at every step, to all the elevated points of professional attainment, where the wide view presented naturally inspires noble thoughts and generous resolutions as to truth and duty.

Lastly, a regular succession of daily examinations in study, accompanied by commentary and illustration, by one of the Professors ; and, in concurrence with these, public lectures on some one or other of the great divisions of the law. To these are added appropriate exercises, having reference to practical skill in technical learning ; and moot courts, superintended by men of great experience both at the bar and on the bench. Nor, in this place, will it be deemed the language of compliment, if I enumerate among the advantages of the institution the distinguished privilege it enjoys, in being under the immediate supervision of two gentlemen, possessing all the endowments which constitute high professional character, and not only capable by their talents and acquirements to excite the student to raise his thoughts to the high and true sources of legal knowledge, but also singularly qualified, by the example of their past lives, as well as by their daily precepts, to inspire him with the love of severe intellectual labor ; at the same time that they exhibit for his encouragement, in their own mental powers and eminent stations, the honors and rewards, which the profession of the law can confer on those who are distinguished for talent and fidelity in its pursuit.

When to all these advantages are added free access to a law library, containing upwards of three thousand volumes, and to the general library of the University, containing above thirty-five thousand ; and also the genius of the place, naturally inviting the student occasionally to seek refuge, not in vain and vicious dissipation, but in the pursuits of general literature, from the severe and sometimes irksome toils of legal research ; and, in connexion with these, the vicinity of a metropolis, which now is, in all times past has been, and, from its general relations, in all future time must be, distinguished for the number of eminent professional men residing there, the opportunity to witness the exercise of whose skill and talents, in courts of justice, is easy and frequent, — there is no room for question, that here unite all happy coincidences to excite, instruct, and animate the law student ; to relieve him from the apathy and weariness, which at times assail the best disposed natures ; and to bring him within the influence of the highest motives and best models of professional merit and distinction.

Under aspects thus encouraging and useful, the Law-School connected with this University presents itself for the contemplation and the patronage of the lawyer, the statesman, the patriot, the man of wealth, and the man of learning. What interest of society can more justly claim a liberal and enlightened support, than that which enlarges the means and multiplies the inducements of men, destined for the profession of the law, to be learned, moral, and elevated, in all their opinions and conduct ? What profession more deeply influences the condition of society, either for evil or for good ? Under

every form of government this is true, but eminently so in republics. The law embraces within the sphere of its activity a greater number of relations, than any other profession. All the principles, which guide, support, or defend the rights of individuals and society, are within the natural scope of its action or contemplation. It deals not with man in particular classes, or with respect to particular modes of thought or purpose, but extends itself to his universal being, in every possible mode in which he can act or exist. It protects the weak. It controls the powerful. It is the refuge of the oppressed. It is the shelter of the poor, and the guardian of the wealthy. The great subjects of its regard are rights, truth, morals, power, liberty. It looks to the past; it considers the present; it has respect to the future. The influences of the men of that profession are, in a greater or less degree, felt every where; in the village, the city, the county, the state, and the nation. By a few these influences are deprecated; by the great majority they are applauded, encouraged, employed, and honored. How important is it that a class of men, called to act in spheres so various, on objects so numerous, and on interests so general, should have their early education consorted with their destinies! How intensely desirable is it, that their minds should not be narrowed down to the rank of mere drudges in office, or made to descend to the level of common wranglers for hire! Of what incalculable consequence is it, that, from the earliest pursuit of this profession, the minds of its students should be liberalized and generalized, and be made to comprehend and prepare for the great sphere

with which it connects them! And where can the foundations of a solid and lofty structure of intellectual and moral action be laid, with better hope of success, than under the auspices of the great seats of learning, and in union with the associations and impelled by the motives, which naturally exist within their walls, or in their vicinity? Where will man's apprehensions of duty be more likely to become enlarged; and how may firmness, alacrity, and fearlessness, in the discharge of social obligations, be more certainly attained, than by the aid of general science, and under the excitement of the example of generous competition among those engaged in its pursuit?

When therefore we consider the intimate alliance, established in the nature of things and by the condition of society, between the profession of the law and those principles, both legal and constitutional, on which depend the rights of life, liberty, and property; that from the men of this profession a great number of those, who affect the fortunes of society, always have been and always must be selected; that this class, in the character of advocates, vindicate our laws, in that of judges construe them, in that of legislators powerfully contribute either to their change or continuance; that in all critical exigencies of the state, to them more than to any other class, society is accustomed to look for counsel and direction, — the duty of increasing the means and multiplying the chances of perpetuating, in that profession, a learned, talented, and conscientious body of men, can scarcely be overrated, or by any strength of language exaggerated.

To those, therefore, whom Providence has been pleased greatly to favor in the gifts of fortune, or to those whom it has still more highly favored, by granting to them the power to influence others to do good, and who may be led to inquire, how the resources of this school are proportioned to the exigencies of the study of the law, it may be proper to say, that the duties of the Royall Professor embrace instruction in every branch both of law and equity, oversight of the progress of the students, and direction and examination of them in their studies ; “ that those of the Dane Professor include the preparing, delivering, and publishing of lectures in law and equity, the law of nations, commercial and maritime law, federal law, and federal equity ; ” — spheres of duties with respect to both Professorships, sufficient exclusively to occupy the time of any two individuals, however learned and laborious. The state of the school already indicates the importance, and must soon indicate the necessity, of the foundation of another Professorship. Under these circumstances the intelligent and liberal class of men, who constitute our mercantile and manufacturing interests are respectfully invited to take into consideration the extreme desirableness and importance of a separate Professorship of Commercial and Maritime Law. In a country placed in the local condition of New England, which has, for a long time, been a competitor with the great nations of the old world in commerce, and of late rapidly vying with them in manufactures, — inseparably identified with the ocean by its habits and its harbours, and with mercantile interchange by its capital, its enterprise, its industry, and its talent, — no branch

of the law more imperiously calls for attention and patronage. Commerce, as well internal as external, is ever, from its very nature, expansive and varying ; in accordance with which, the principles of this branch of law necessarily vary and expand. That they may be well understood, and be diffused through the nation with a rightly grounded uniformity, nothing seems more important, than that the education of legal students should, in this respect, have the supervision and aid of some one of the greater lights of the law, whose exclusive duty it should be to lead their minds to take comprehensive and practical views of this complex subject, and to teach them, among its fluctuating interests, how to fix upon its sound and immutable principles.

In closing this address, I cannot refrain from congratulating the other constituent branches of this University on the benefit resulting from the extension of its law branch ; nor from expressing to the members of the Law-School my grateful sense of the many advantages already derived from their influence and example. In every aspect their connexion has been useful and auspicious. By associating themselves with this school, they have made a wise selection among the paths which may be pursued for the attainment of legal knowledge. It is no obscure or uncertain advantage, in the pursuit of any science, to proceed from the elementary to the complex, and to ascend, by regular, well-established steps, to its difficult and commanding heights. It is no questionable or dubious good, to escape, in the early stages of the study of the law, from the annoyance and interruption of the labors of clerkship. On the contrary, it is a high and unequivocal

